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UNCLAS SECTION 01 OF 02 ROME 000379

SENSITIVE
SIPDIS

JUSTICE FOR KENNETH HARRIS AND DAVID WARNER; S/CT FOR VIC
NELSON AND JANE MOSBACHER

E.O. 12958: N/A

TAGS: PTER ASEC IT

SUBJECT: WESTERN MED RSI PROPOSAL: STRENGTHENING
COUNTER-TERRORISM LEGAL COOPERATION

REF: STATE 128554

¶1. (SBU) In partnership with the Department of Justice, Embassy Rome proposes to host a two-day conference in fall 2009 for approximately 50 prosecutors and other appropriate officials from the United States, Italy, France, Spain, the UK, Algeria, Morocco, Tunisia and Libya to develop closer and more effective legal cooperation between and among western Europe, the Maghreb and the United States, in particular in the area of investigating and prosecuting international terrorists and terrorist organizations. To that end, this message seeks RSI funding.

¶2. (SBU) Background. The United States and western Europe have had a great deal of experience and success cooperating with each other on the investigation and prosecution of terrorist organizations. The United States and western Europe, however, have limited experiences and few successes in this area with Maghreb states. Moreover, the ability of Maghreb states to request or provide international legal assistance, while generally deficient, varies greatly among the various states. This project would constitute one of the first efforts to improve legal cooperation among these countries.

¶3. (SBU) Title of Proposed Project. Strengthening Counter-Terrorism Legal Cooperation.

¶4. (SBU) Implementing agency: Departments of Justice, State.

¶5. (SBU) Proposed program: The project of strengthening legal cooperation among prosecutors in western Europe, the Maghreb, and the United States would commence with an initial conference in Rome, Italy in fall 2009. The goal of the initial conference is to help familiarize and train the prosecutors and other appropriate officials from the Maghreb states on the basic mechanics of international legal cooperation, as well as domestic measures that assist in combating terrorism and obtaining related cooperation. Presenters from the United States, Italy, France, Spain and/or the UK will present lectures on a variety of subjects, including:

- a. informal police cooperation and the role of Interpol;
- b. obtaining mutual legal assistance from the United States;
- c. obtaining mutual legal assistance from EU countries;
- d. the role of the "central authority" in international legal cooperation;

- e. provisional arrest, extradition, and alternatives to extradition;
- f. the use of international legal conventions (e.g., Universal Terrorism Convention)
- g. legal tools that aid in preventing and combating terrorism and in obtaining international cooperation with respect to terrorist activity; and
- h. the seizure and confiscation of criminal proceeds and assets.

¶6. (SBU) Proposed program continued. To a great extent, these subjects will be discussed using practical examples involving international cooperation in the investigation and prosecution of terrorism. In addition, presenters from each of the Maghreb states will be invited to explain the current system for obtaining legal assistance from their respective states. The conference will also provide an important opportunity for officials from the United States and western Europe to network and make contacts with officials from the Maghreb states, as well as among the Maghreb states, with the goal of making it easier to request assistance from Maghreb states in future terrorism investigations and prosecutions.

¶7. (SBU) Subsequent phases. It is envisioned that subsequent phases of the project could include: a more specific conference focused on international legal assistance in terrorism cases; in-country visits by teams of experts from the United States and western Europe to Maghreb states to help provide further training and instruction on international legal assistance. These experts could also provide assistance in helping to modernize criminal codes

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concerning terrorism offenses (e.g., establishment of anticipatory offenses, protection of classified information in the criminal process); and stationing a prosecutor from the United States and/or western Europe in specific Maghreb states for short periods of time (e.g., two to six months) to help provide further training and instruction on international legal assistance, including modernizing criminal codes concerning terrorism offenses

¶8. (SBU) Coordinating office. Department of Justice attache Don Ashley.

¶9. (SBU) Embassy point of contact. RSI officer Molly Phee

¶10. (SBU) Estimated cost. The initial conference is estimated to cost up to approximately \$150,000, including payment of travel costs (transportation, lodging, MIE) for all Maghreb participants and the travel costs for all conference presenters from the United States and western Europe. The estimated cost also includes hotel conference space, translation, and administrative support.

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